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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,794	07/31/2003	Satoshi Ogiwara	00862.023166.	7878
5514 7590 09/22/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
MCLEAN, NEIL R				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
09/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/630,794

**Applicant(s)**

OGIWARA ET AL.

**Examiner**

Neil R. McLean

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/22/2009 has been entered.

### ***Status of Claims***

2. Claims 3 and 15-21 are pending in this application.  
Claims 3 and 15-17 have been amended.  
Claims 18-21 are new.

### ***Response to Arguments***

3. Applicant's arguments with respect to Claims 3 and 15-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ankrum et al. (US 2004/0008360) hereinafter 'Ankrum' in view of Tateyama et al. (US 7,062,579) hereinafter 'Tateyama'.

Regarding Claims 1-2: (Canceled)

Regarding Claim 3: (Currently Amended)

Ankrum discloses a computerized device (502 of Figure 5) that can directly communicate with a printer (Printer 504), comprising:

a receiving unit (Figure 2: STEP 202 'DISPLAY TASKS PERFORMABLE USING THE DEVICE') that receives capability information of the printer from the printer, the capability information including first information and second information (Allowable parameters and subsets of the parameters wherein options of the device can be set to different values to affect the operation of the device are disclosed at [0014] and [0017]), the first information indicating whether the printer has a first function of automatically detecting a paper size (Paper Size parameter area 408), and the second information indicating whether the printer has a second function of automatically detecting a paper type (Paper Type parameter area 406);

a determination unit that (a) determines, based on the first information included in the capability information received by the receiving unit, whether the printer has the first function (For the Paper Size parameter area 408, there is a drop-down text box 416 which shows the allowable

paper size values), and (b) determines, based on the second information included in the capability information received by the receiving unit, whether the printer has the second function (For the Paper Type parameter area 406, there is a drop-down text box 414 which shows the allowable paper type parameters); and

Note: As disclosed in [0027]; not all of the parameter values are displayed, just the allowable values for the desired task. For example, if the printer does not have 'photo paper' then the drop down box that shows the different paper types will not show a 'photo paper' option.

a user interface that notifies a user that the printer has the first function and the second functions if said function, after the determination unit determines that the printer has the first function and the second function (FIGS. 3 and 4 are diagrams of an example graphical user interface (GUI) window 300).

Ankrum discloses substantially the invention as claimed above, however Ankrum does not disclose expressly wherein the computerized device is a digital camera. Tateyama discloses a computerized digital still camera (101 of Figure 1) which is connected to a printer (102). Tateyama further discloses at Figure 37 information that is common to the printer including media type (46-1) and paper-size (46-2). Ankrum & Tateyama are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of determining the parameters of a printer, and changing the parameters on an interface of an external device. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a digital camera's as one of the devices which can connect directly with a printer. The suggestion/motivation for doing so is to directly connect the image providing device with

a printer. Tateyama discloses in the Background of Invention, wherein a direct connection avoids network traffic and does not require the use of a PC. Therefore, it would have been obvious to combine Ankrum's method of setting the parameters on a device with Tateyama's camera/printer transmission system to obtain the invention as specified to control a printer from an external device.

Regarding Claims 4-14. (Canceled)

Regarding Claim 15: (Currently Amended)

Ankrum and Tateyama further discloses the digital camera according to claim 3, wherein the user interface inhibits a user from selecting a paper size after the determination unit determines that the printer has the first function (Ankrum discloses at [0031] that allowable values are shown, that is to say the user is prohibited from selecting a parameter that that is not allowable. Drop down box 416 for the paper size only displays the allowable values as shown in Figure 4).

Regarding Claim 16: (Currently Amended)

Ankrum and Tateyama further discloses the digital camera according to claim 3, wherein said the user interface inhibits a user from selecting a paper type after the determination unit determines that the printer has the second function (Ankrum discloses at [0031] that allowable values are shown, that is to say the user is prohibited from selecting a parameter that that is not allowable. Drop down box 414 for the paper type only displays the allowable values as shown in Figure 4).

Regarding Claim 17: (Currently Amended)

Ankrum and Tateyama further discloses the digital camera according to claim 3, wherein the user interface (a) inhibits a user from selecting a paper size after the determination unit determines that the printer has the first function and (b) inhibits a user from selecting a paper type after the determination unit determines that the printer has the second function (Ankrum discloses at [0031] that non allowable combinations are eliminated and uncertainty by the user is eliminated, that is to say, the user is prohibited from selecting a parameter that is not available. It will not appear on the drop-down menu).

**Regarding Claims 18-21: (New)**

The proposed combination of Ankrum and Tateyama, explained in the rejection of Device Claims 3, and 15-17, renders obvious the steps of the method of Claims 18-21 because these steps occur in the operation of the proposed combination as discussed above. Thus, the arguments similar to that presented above for Claims 3, and 15-17 are equally applicable to Claims 18-21.

***Examiner Notes***

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as

well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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